

REMARKS**I. Overview**

Claims 16-33 and 35-75 are pending. Applicant has amended claims 16, 20, 24, 29, 33, and 42.

The Examiner rejected the claims as shown in the following table. Applicant respectfully traverses each of these rejections below.

Statute	Claims	Reference(s)
35 U.S.C. § 103(a)	16-19	Morrison (6,601,238) and Sumita (6,581,207)
35 U.S.C. § 102(e)	20-21, 23-30, 32-37, 39, and 41	Rangan (6,493,872)
35 U.S.C. § 103(a)	22, 31, 42, and 44	Rangan and Abrams (6,625,812)
35 U.S.C. § 103(a)	38	Rangan and Krewin (2002/0078444)
35 U.S.C. § 103(a)	40	Rangan and Swix (6,718,551)
35 U.S.C. § 103(a)	43	Rangan, Abrams, and Srinivasan (6,357,042)
35 U.S.C. § 102(e)	45-48, 52-55, 57, 62-64, 66-69, and 71	Lowthert (2002/0095674)
35 U.S.C. § 103(a)	49-50, 65, and 70	Lowthert and Logan (7,055,166)
35 U.S.C. § 103(a)	51 and 61	Lowthert and Hejna
35 U.S.C. § 103(a)	56	Lowthert, Sumita, and Bhagavath (6,829,781)
35 U.S.C. § 103(a)	58	Lowthert and Rangan
35 U.S.C. § 103(a)	59	Lowthert and Abrams
35 U.S.C. § 103(a)	60	Lowthert, Abrams, and Rangan
35 U.S.C. § 102(e)	72-74	Hejna (6,598,228)
35 U.S.C. § 103(a)	75	Hejna and Logan

II. Rejections over Morrison

Morrison describes an electronic program guide that receives from a user a scheduled showing of a television program and allows the user to find other scheduled showings of the television program. For example, if the user selects ESPN SportsCenter showing on Monday at 5 P.M. on ESPN, then Morrison allows the user to easily find another scheduled showing at Tuesday at 5 P.M. without having to scroll through the electronic program guide. Similarly, the user can search for showings of a program by, for example, entering the name of the program. However, Morrison does not describe any kind of manipulation of the television program content.

In contrast, applicant's technology that is the subject of claims 16-19 is related to finding portions within a television program that are of interest to the user, and then skipping within the television program to view those portions. Applicant's technology finds portions of a television program based on metadata that describes where various events within the program occur. For example, if the user is watching a recorded baseball game, the user may search for homeruns and applicant's technology finds and renders the homeruns within the television program.

The Examiner argues that "searching recorded data and only providing portions that match the metadata" is not recited in applicant's claims. Office Action, July 31, 2007, p. p.2. Applicant has amended the claims to more explicitly recite this aspect of the invention. Claims 16-19 as amended recite "identifying one or more portions of the television program based on the received meta data in response to user inputs, wherein identifying one or more portions of the television program searches the television program and only provides the portions that match the metadata" (emphasis added). Morrison describes a guide and does not describe any operation involving portions of a television program itself. In particular, Morrison does not describe identifying portions of a television program based on meta data. Accordingly, applicant respectfully requests that these rejections be withdrawn.

III. Rejections over Rangan

Rangan describes creating an enhanced multimedia stream having a video data stream and an annotation data stream. The enhanced stream is created by a content author that adds text, pictures, or other enhancements to a video stream. The enhanced stream is then transmitted to viewers for viewing. Rangan does not describe receiving data, such as comments, from viewers of the enhanced stream.

In contrast, applicant's technology of claims 20-44 receives comments from viewers of media, such as a television program, and shares the comments with other viewers of the media. The Examiner appears to equate the annotations described by Rangan with

applicant's comments. However, the annotations are added by the content authors before the content is ever sent to a viewer: "[t]he overall purpose of the authoring station is addition of innovative material to the video data stream...to allow a viewer at a computerized end station to access advertisements and other data which may be associated with individual entities in the video presentation." Rangan, col. 6:6-12. Whatever data is added by the authors is shown in the same way to every viewer of the content. The viewers are not able to contribute comments and comments from one viewer are not shared with another viewer.

In the present Office Action the Examiner argues that content authors can be viewers, "the headend provides comments that are passed on to users. As this is true, Rangan also teaches a system wherein a user at the headend watches the video that he/she are commenting on." Office Action, July 31, 2007, p.3. The latitude that the Examiner lends to the term "viewer" as including an author at the headend is clearly contrary to the definition of "viewer" provided in Rangan. As noted above, Rangan distinguishes authors from viewers, "[t]he overall purpose of the authoring station is addition of innovative material to the video data stream...to allow a viewer at a computerized end station to access advertisements and other data which may be associated with individual entities in the video presentation." Rangan, col. 6:6-12 (emphasis added).

In addition, applicant has amended these claims to clarify that the term "viewer" as used in applicant's claims does not include content authors, such as those at the headend in Rangan. Claims 20-23 recite "a comment handler, coupled to the storage device, to: receive comments corresponding to the media content from a plurality of different sources that have viewed the content that do not include an authors of the content" and "make the stored plurality of comments available to devices rendering the media content." Claims 24-28 recite "allowing comments to be made by a plurality of viewers of a plurality of different versions of a program, wherein viewers do not include authors of the content" and "making the comments available to subsequent viewers." Claims 29-32 recite "receiving comments

regarding the multimedia content from viewers that are not authors of the content" and "allowing the comments to be accessed during subsequent playback of the stored multimedia content." Claims 33-41 recite "wherein the using comprises using the synchronization point as a reference point for a comment received from a viewer of the multimedia program, the comment for sharing with other viewers of the multimedia program, wherein the viewers are not authors of the multimedia program." Claims 42-44 recite "receiving from a viewer at the client computing device comments related to the media content for sharing with other viewers of the media content, wherein the viewers are not authors of the media content." Rangan fails to teach each of the elements of these claims. Accordingly, applicant respectfully requests that these rejections be withdrawn.

IV. Rejections over Lowthert

The filing date of Lowthert predates applicant's filing date by only 13 days. Applicant included a declaration in accordance with 37 C.F.R. 1.131 with the previous response that the Examiner indicated was insufficient to show diligence. Applicant has attached a new declaration in accordance with 37 C.F.R. 1.131 that adds additional evidence regarding applicant's diligence. Accordingly, applicant respectfully requests that these rejections be withdrawn.

V. Rejections over Hejna

Hejna describes a system for controlling the rate of a playback of multimedia at a viewer's device. For example, a broadcaster may indicate that a particular program should be viewed at full speed. Hejna also describes speed credits whereby a viewer can speed up a video but loses credits each time he does so. When the credits are gone, the user can no longer speed up the video. Hejna does not describe disabling a control for skipping based on identifying a portion of a multimedia program as a commercial.

In contrast, applicant's technology of claims 72-74 disables a control for skipping content when a commercial within a multimedia program is being rendered. Claims 72-74

recite "disabling, while the one or more portions that include commercials are being rendered, a control of the device that allow one or more portions of the program to be skipped." Hejna does not describe disabling a control during a commercial. The user interface described by Hejna receives the user's input and then determines what the effect of the users input will be based on the credits available. Although Hejna may at times prevent a user from fast forwarding during a commercial, Hejna does so by passing the user's input to the speed credit component and then responding in different ways (e.g., by time-scaling the video or not) based on the number of credits available. This is not the same as disabling a control based on the content. As described by applicant's specification, in one embodiment the control is disabled such that other components of the system do not receive input from it: "[t]he user interface component would then simply ignore any skip or fast forward inputs until informed by controller 1870 that it is once again acceptable to receive skip or fast forward inputs." Specification, paragraph 81.

In the present Office Action, the Examiner argues that showing a program in fast forward disables some frames from being displayed and equates this with applicant's disabling of a control, "when a program is being displayed in fast forward, portions (frames of video) would not be shown and therefore would be disabled and skipped." Office Action, July 31, 2007, p.3. Applicant's technology is directed to disabling a control in a user interface, not disabling frames of video. The Examiner has not suggested any way in which these two different concepts are similar. In addition, the Examiner suggests that the teaching in Hejna of preventing a user from fast forwarding a video when the user is out of credits is the same as disabling a control as described by applicant. However, the controls described by Hejna are always enabled, whether the speed credit component responds by time scaling the video or not. Thus, the Examiner has not pointed to any part of Hejna that disables a control.

To anticipate a claim, the reference must teach every element of the claim. Hejna fails to teach disabling a control that allows skipping during a commercial. Accordingly, applicant respectfully requests that these rejections be withdrawn.

VI. Conclusion

Based upon these remarks and amendments, Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. Applicant believes all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268854US from which the undersigned is authorized to draw.

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